

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREGORY NICHOLAS STESHENKO,

No. C 09-5543 RS

Plaintiff,

ORDER RE PENDING MOTIONS

v.

THOMAS MCKAY, et al.,

Defendants.

1. Plaintiff Gregory Steshenko's motion for a transcript of the motion hearing held in this matter on June 27, 2013 to be prepared at government expense is granted. Although the appeal Steshenko is pursuing lacks clear merit, under all the circumstances, the interests of justice support allowing him to pursue it with the benefit of a transcript, and he has adequately demonstrated that paying for a transcript would present undue hardship.

2. Pursuant to Civil Local Rule 7-1(b), Steshenko's Second Motion to Expedite Trial Date is suitable for disposition without oral argument, and the hearing set for December 19, 2013

1 is vacated. The motion is denied. As explained in an order filed October 23, 2013, Steshenko's
2 pursuit of the interlocutory appeal precludes this matter from going forward. Steshenko has
3 subsequently suggested that he will abandon the appeal if the action is set for a "timely trial."
4 Upon any termination of the appeal, whether by voluntary dismissal or otherwise, rulings on the
5 pending summary judgment motions will issue as promptly as practicable. Then, assuming the
6 summary judgment rulings do not entirely dispose of the action, it will be set for trial on the
7 earliest available date, taking into account how long it has been pending. Steshenko is advised,
8 however, that even giving this matter the highest available priority for a civil trial, it may not be
9 possible to set it within the one or two month time frame his motion appears to contemplate.

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11 3. Pursuant to Civil Local Rule 7-1(b), Steshenko's motion for further sanctions for
12 alleged spoliation suitable for disposition without oral argument, and the hearing set for
13 December 19, 2013 is vacated. The motion will be addressed in conjunction with a ruling on the
14 pending motions for summary judgment, as such time as it may become appropriate to decide
15 those motions.

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18 IT IS SO ORDERED.

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20 Dated: 12/2/13

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE